

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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WILMINGTON TRUST, NATIONAL  
ASSOCIATION, as Trustee for the benefit of  
the registered holders of GS Mortgage  
Securities Trust 2021-GSA3, Commercial  
Mortgage Pass-Through Certificates, Series  
2021-GSA3, acting through its special servicer  
Argent Services Company LP,

CIVIL ACTION NO. 22-cv-06177

*Plaintiff*

v.

JACK RAFIQ,

*Defendant.*

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**DEFAULT JUDGMENT**

Upon Plaintiff's Motion for Default Judgment against guarantor defendant Jack Rafiq, ("Defendant" or "Guarantor") pursuant to Fed. R. Civ. P. 55, in the above-captioned proceeding (the "**Motion**"); and the Court having considered and having reviewed the Complaint, the Motion, the supporting Declaration and the evidence submitted in support thereof, the Court finds that the Motion should be granted against the Defendant. The Court finds and determines as follows:

The Court has subject matter jurisdiction over this action on the basis of diversity of citizenship, and because the damages exceed the sum of \$75,000 pursuant to 28 U.S.C. §1332(a). Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Lender's claims occurred in this District and because Guarantor waived any objection he may have to the laying of venue in, and any defense of inconvenient forum of any proceeding brought in, a court of record in New York.

Defendant was duly, lawfully and regularly served with Summons and Complaint in the form and manner and for the length of time required by law. The Court entered an order deeming Defendant served as of August 11, 2022 (Dkt. No. 8) based upon Plaintiff's Motion for an Order Deeming Defendant Served, or, in the Alternative, Providing for Alternate Service and Memorandum in support thereof (Dkt. Nos. 6-7).

The Defendant has failed to appear and answer this case and time to do so has passed. The Clerk of Court has certified the Defendant is in default. The Defendant's failure to appear and answer constitutes an admission of all allegations in Plaintiff's Complaint as to liability.

It is therefore **ORDERED, ADJUDGED, AND DECREED THAT:**

Final Judgment is entered in favor of Plaintiff, WILMINGTON TRUST, NATIONAL ASSOCIATION, as Trustee for the benefit of the registered holders of GS Mortgage Securities Trust 2021-GSA3, Commercial Mortgage Pass-Through Certificates, Series 2021-GSA3, acting through its special servicer Argentic Services Company LP, and against Defendant, Jack Rafiq, in the amount of **\$8,238,228.48**, plus costs and interest according to law from the date of this judgment until the entire amount is paid.

**The Clerk is directed to close this case.**

Dated: New York, New  
York October 13, 2023

  
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J. PAUL OETKEN  
United States District Judge